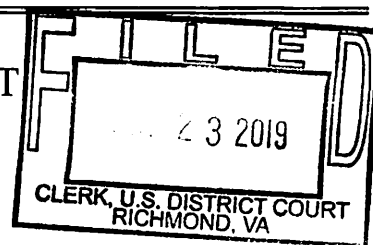


UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia



In the Matter of the Seizure of
(Briefly describe the property to be seized)
2019 Hyundai Elantra sedan, gray, bearing Virginia
registration UPW3801

Case No. 3:19-sw-

296

APPLICATION FOR A WARRANT
TO SEIZE PROPERTY SUBJECT TO FORFEITURE

I, a federal law enforcement officer or attorney for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in the Eastern District of Virginia is subject to forfeiture to the United States of America under 18 U.S.C. §

2428(b)(1)(A) (describe the property):

2019 Hyundai Elantra sedan, gray, bearing Virginia registration UPW3801.

The property is also subject to criminal forfeiture pursuant to 18 U.S.C. § 2428(a)(1).

The application is based on these facts:
Please see the attached affidavit.

☒ Continued on the attached sheet.

Reviewed by AUSA/SAUSA:

Jessica D. Aber

A handwritten signature in black ink, appearing to read "John P. Houlberg".

Applicant's signature

TFO John P. Houlberg, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

10/23/2019

City and state: Richmond, VA

A handwritten signature in black ink, appearing to read "Roderick C. Young".

Judge's signature

Roderick C. Young, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN THE MATTER OF THE SEARCH AND SEIZURE OF:)	3:19SW <u>296</u>
A vehicle identified as a)	
2019 Hyundai Elantra, 4-door, Gray, Virginia)	UNDER SEAL
License Plate: UPW3801)	

**AFFIDAVIT IN SUPPORT OF AN APPLICATION UNDER
RULE 41 FOR A WARRANT TO SEARCH AND SEIZE AND AN APPLICATION
UNDER 18 U.S.C. § 2428(b)(2) TO SEIZE FOR FORFEITURE**

I, John P. Houlberg, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is being made pursuant to Rule 41 of the Federal Rules of Criminal Procedure in support of an application for a warrant authorizing the search of a vehicle identified as a 2019 Hyundai Elantra, 4-door, Gray, Virginia license Plate: UPW3801 (hereinafter the "Vehicle"), more particularly described in Attachment A, for the items specified in Attachment B, herein incorporated by reference. This affidavit is also being made pursuant to 18 U.S.C. § 2428(b)(2), with reference to 18 U.S.C. § 981(b), in support of an application for a warrant authorizing the seizure of the vehicle for forfeiture.

2. I am a Special Agent with the Virginia State Police Bureau of Criminal Investigation, General Investigations Section, and have been since 1999. I am currently assigned as a Task Force Officer (TFO) to the Federal Bureau of Investigation, Richmond Division Child Exploitation Task Force and have been since 2011. I have been deputized as a Special Deputy United States Marshal since May 20, 2011. I am thus an officer of the United States who is empowered by law to conduct investigations of, and make arrests for, offenses enumerated in

Title 18, United States Code, Sections 2251, 2252, 2252A, and 2422 involving child exploitation offenses.

3. The statements in this affidavit are based in part on your affiant's investigation of this matter and on information provided by other law enforcement agents. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE VEHICLE TO BE SEARCHED AND SEIZED

4. The vehicle to be searched is 2019 Hyundai Elantra, gray in color, Virginia license plate: UPW-3801 (hereinafter the "Vehicle"). The applied for warrant will authorize the search of the vehicle for evidentiary items described in Attachment B.

RELEVANT STATUTORY PROVISIONS

5. **Coercion and Enticement:** 18 U.S.C. § 2422(b) prohibits the use of any facility or means of interstate commerce to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in any sexual activity for which any person can be charged with a criminal offense (or attempts to do so).

6. **Distribution of Child Pornography:** 18 U.S.C. § 2252A(a)(1)(2) prohibits the interstate transportation, shipping, mailing distribution and receipt of Child Pornography.

7. **Coercion and Enticement Civil Forfeiture:** 18 U.S.C. § 2428(b)(1)(A) provides that "[a]ny property, real or personal, used or intended to be used to commit or to facilitate the

commission of any violation of [Chapter 118 of Title 18 of the United States Code]...shall be subject to forfeiture to the United States...”.

8. **Coercion and Enticement Criminal Forfeiture:** 18 U.S.C. § 2428(a)(1) provides that “[t]he court, in imposing sentence on any person convicted of a violation of [Chapter 118 of Title 18 of the United States Code], shall order...that such person forfeit to the United States—such person’s interest in any property, real or personal, that was used or intended to be used ot commit or to facilitate the commission of such violation.”

9. **Seizures for Forfeiture:** 18 U.S.C. § 2428(b)(2) provides that “[t]he provisions of chapter 46 of this title relating to civil forfeiture shall apply to any seizure or civil forfeiture under this subsection.” Chapter 46 of Title 18 is a reference to 18 U.S.C. § 981(b), which provides the procedures for the seizure of assets.

PROBABLE CAUSE

10. The FBI Richmond Division’s Child Exploitation Task Force located in Virginia conducted an ongoing undercover operation targeting subjects willing to travel in order to engage in sex with a minor. During the operation, online covert employees (OCE’s) used covert social media accounts to pose as an adult intermediary who has access to female minors. The OCE’s posted profiles on a number of online platforms and subsequently responded to subjects who indicated a desire to meet with the female minors.

11. An OCE posted one such undercover (UC) profile on “Alt.com.” Alt.com is a network for members interested in alternative forms of sexual relationships and friendship. Users can bond over fetishes, kinks, and BDSM (Bondage, Discipline, Sadism, and Masochism), as

well as explore the site's large stockpile of sexual videos, articles, and other content. The OCE's Alt.Com profile displayed a picture of a female law enforcement officer (LEO) who is currently employed with the City of Richmond Police Department. The UC profile showed that the user was a middle-aged female from central Virginia. The profile also included a list of kinks to include "young/old," "infantilism/Diapers," "Bestiality," and "taboo family." Between April 17, 2018 and August 12, 2019, an individual sent electronic messages to the UC profile seven times using the user name "jsmoqueenIVY".

12. On July 29, 2019, "jsmoqueenIVY" wrote "I want to talk to you about Taboos. Preferably in person but let's start by messages including email if you want. My email is joesmo@coxnet. I have met others here and on kik and tumblr that have same interests".

13. On August 12, 2019, "jsmoqueenIVY" wrote, "Hi still would love to talk to you about your kinks. We may have things in common and would love to eventually meet to chat in person". On August 13, 2019, the OCE asked "jsmoqueenIVY" if he had KIK and he responded "Yes Joe Smo username Carika2016". The OCE provided an undercover KIK user name on August 23, 2019.

14. KIK is shorthand for Kik Messenger, a freeware instant messaging mobile app. It uses a smartphone's data plan or Wi-Fi to transmit and receive messages, photos, videos, or other content between user. KIK is known for features preserving users' anonymity, such as allowing user to register without providing a telephone number.

15. On Alt.com, "jsmoqueenIVY"'s profile displayed his picture and stated that the user was a 63 year-old male from Sterling, Virginia.

16. On August 25, 2019, Joe Smo subsequently contacted the OCE on KIK and stated “Hi Jenn or Jennifer. This is Louie from Alt” and sent a picture of himself. The OCE asked “Hi Joe..what’s your name on alt again” and Joe Smo responded “Louie real name. Its long like Josm4queenivy?”

17. On August 27, 2019, the OCE advised her nieces were ages 6 and 10. Joe Smo responded “You have Lolita play with them? That’s hot. I would love to watch that. I have a 13 and 15 year olds I’ve met on KIK that want to play. Neither one are virgins”.

On August 30, 2019, the OCE and Joe Smo had the following exchange:

Joe Smo: “Ever had 3somes”.
OCE: “sort of”
Joe Smo: “Your nieces?”
OCE: “yeah”
Joe Smo: “That’s hot”
“It’s actually amazing how many incestuous folks ive met on Tumblr and here in last 2 years. I thought I was a bit unique”
OCE: “Yeah I’m finding there are a lot more that I thought of”
“Thought I was unique too lol”
“Glad you think it’s hot”
Joe Smo: “I do. Would love to watch”
OCE: “Watch?”
Joe Smo: “Well...unless invited to play too”
OCE: “Oooh that would be fun”
Joe Smo: “You’re going to get me excited”
OCE: “What would you like to do if you were invited to play?”
“Me too lol”
Joe Smo: “Everything to be honest..”
“I’d love to eat all of you”
“One on my face and one giving me head”
“Everyone busy lol”
OCE: “Omg that would be so hot”
Joe Smo: “Yes it would”

Joe Smo then sent a purported picture of himself on the bed in underwear with an erect penis.

18. The same day and shortly after the above exchange, Joe Smo sent a message to the OCE stating “Okay. I must admit I love young girls starting puberty”, “Budding tits and fine pussy hair”, and sent three images of young girls approximately 12 years old stating “Dude sent me these before”. Two of the images are of juvenile females, approximately 10 years old with their shirts off exposing their breasts and one in a shirt with breasts poking through the shirt. Joe Smo then sent a picture of a female juvenile approximately 12 years of age, laying on a bed with her shirt pulled up exposing her breasts and her underwear pulled down exposing her vagina. The child appears to be sleeping. The image exposing her vagina is taken from the knees up and the central focus of the image is her vagina. Joe Smo states “I would so love to fuck her”. The OCE responds “she looks older tho” and Joe Smo responds “12 or 13”.

19. Joe Smo continues stating “I’m pretty thick but would be gentle and get you and 10 year old very wet first”, “Love eating pussy”.

20. On September 3, 2019, OCE tells Joe Smo “Fell asleep with Gracie last night...are you normally better to talk in the evenings?” Joe Smo responds “Yes. Gracie?”. The OCE states “Oh sorry, my 6 yr old niece”, “Krystal is the 10 yr old”.

21. On September 10, 2019, OCE stated “I would most likely have the girls, that ok? Joe Smo responded stating the following:

“How old was your ex that played with 10 year old?”
“Would her playing with me turn your on”
“You two together would for me”

Joe Smo sent the OCE three images of underage girls, two in sexually suggestive poses and one sitting cross legged in a shirt and stated “All gorgeous girls”.

OCE: “I just meant its hard to find a babysitter but HELL YEAH!”
“That’d be a lot of fun”
Joe Smo: “I’d be so horny”

OCE: "She may struggle on bjs...lol"
Joe Smo: "Lol why is that?"
Joe Smo: "I'm thick"

22. On September 11, 2019, Joe Smo discussed a woman he chatted with who wanted him to take her 13-year-old daughter's virginity. Joe Smo then sent the OCE two images of what appear to be a 13-year-old girl. One image is of the juvenile standing towards a mirror taking a picture of her naked body. The second image is of the juvenile, in what appears to be a vehicle, pulling down her pants exposing her vagina. The primary focus of the image is the juvenile's vagina. OCE asks Joe Smo if the pictures are of her, and he responds yes. Joe Smo expressed disappointment in not being able to meet up with them and the OCE states "Oh well that's a shame!" Joe Smo responds with "Yes but now I've met you".

23. On September 17, 2019, Joe Smo provides the cell phone number 703-401-XXXX to the OCE for an additional means of communication.

24. On September 20, 2019, OCE and Joe Smo have the following exchange:

Joe Smo: "Do the girls know about me? Expecially Kyrstal?"
OCE: "Not yet, I didn't want to tell them until you were sure"
Joe Smo: "Sure about?"
"Playing?"
"That's all ive been thinking about"
OCE: "Yeah and visting etc"
"Really?"

Joe Smo then sends the OCE two images of two juveniles approximately 10 years old clothed in sexually suggestive poses, and one image of two juveniles naked and posing for the camera.

25. During the totality of the chats, Joe Smo mentioned visiting the OCE multiple times. On October 20, 2019, the OCE had the following exchange with Joe Smo:

Joe Smo: "Maybe I should visit"

OCE: "Wish I could! Working today"
"And if you want to visit we need to plan what's gonna happen"
"You know, in case youre a serial killer"
"I've only met up with one other guy, our regular and we had a plan beforehand."
Joe Smo: "Sure, We can plan whatever you want. Easier to discuss on the phone but here's the basics: I visit and plan to spend the night. After I arrive we hug and chat a bit to feel more comfortable. We all go to dinner my treat. Ice cream after for the girls if they want. I know what you said you like but what does Khrys like? I want to kiss her all over eat her pussy until she's dripping..would be nice if I could alternate eating you as well. Will she get off watching us?"
"Thoughts and I have more..."

26. On October 22, 2019, the OCE and Joe Smo planned to meet on October 24, 2019 in Henrico County, Virginia at 3pm. Joe Smo stated he would be driving a 2019 Hyundai Elantra.

27. On October 23, 2019, the OCE and Joe Smo had the following exchange:

Joe Smo: "I'm forcing myself not play with myself..i usually do daily sometimes twice...lol"
OCE: "Sorry had to get the girls in the bus"
"Twice a day?? Lol damn"
Joe Smo: "Yes I told you I'm always horny"
"That energy will go to you and Krys now..."

28. During the totality of the chats, Joe Smo sent the OCE numerous pictures of himself, including one stating he just got his first tattoo on September 7, 2019. One image is that of him sitting at what appears to be a tattoo parlor with his left arm raised exposing a tattoo on his left inner forearm. The tattoo is of a scorpion.

29. A search of publicly available data bases for cell phone number 703-401-XXXX, referenced in Paragraph 23, reveals the telephone number belongs to LOUIE FERNANDO LEITAO, date of birth November 4, 19XX.

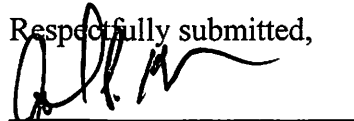
30. A query of the Department of Motor Vehicles (DMV) database revealed that LOUIE FERNANDO LEITAO holds a Virginia Driver's License, with an address of record as 9923 Stone Wood Court, Burke, Virginia 22015, and a registered 2019 Hyundai 4 door sedan, gray in color, with Virginia license plate UPW-3801. The picture on his DMV record also matched the pictures on Joe Smo's Alt.com profile and the picture he sent during the chat sessions.

31. On September 30, 2019, investigators received subscriber data from Kik for user ID "Joe Smo" "Carika2016." The results revealed the account was registered on July 31, 2017, and the email associated with the account was "joesmo@coxnet." The Kik registration email matched the email address provided to the OCE by "Joe Smo" in a message on Alt.com on July 29, 2019.

CONCLUSION

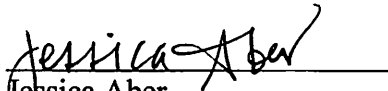
32. Should LEITAO arrive tomorrow, October 24, 2019, in the vehicle at the meet-up location agreed upon with undercover agents, described in paragraph 30 above, or another meet-up location after making arrangements with undercover agents, I submit that this affidavit supports probable cause for a search warrant authorizing the search of the Vehicle within the Eastern District of Virginia, which is described in Attachment A to seek the items described in Attachment B. Under the same circumstances, I further submit that this affidavit supports probable cause for the seizure of the vehicle for forfeiture under the authority set out in paragraphs 7-9 above.

Respectfully submitted,



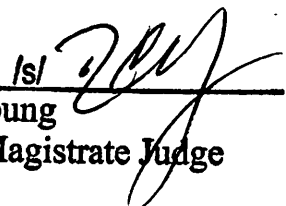
John P. Houlberg
Special Deputy United States Marshal
FBI Child Exploitation Task Force
Federal Bureau of Investigation

SEEN AND APPROVED BY:



Jessica Aber
Assistant U.S. Attorney

Sworn to me this 23 day of October 2019

/s/ 
Roderick C. Young
United States Magistrate Judge

ATTACHMENT A

The vehicle to be searched is a 2019 Hyundai Elantra, gray in color, and Virginia license plate: UPW-3801. This warrant further authorizes the search of the Vehicle for evidence described in Attachment B.

ATTACHMENT B

Property to Be Seized

DIGITAL EVIDENCE

1. All records relating to violations of 18 U.S.C. § 2422(b) coercion and enticement and 18 U.S.C. § 2252A(a)(1)(2), distribution of child pornography including:
 - a. Any and all visual depictions of minors;
 - b. Any and all address books, names, and lists of names and addresses of minors;
 - c. Any and all diaries, notebooks, notes, and any other records reflecting physical contact, whether real or imagined, with minors, and any such items discussing sexual activities with minors;
 - d. Any and all child erotica, including photographs of children that are not sexually explicit, drawings, sketches, fantasy writings, diaries, and sexual aids;
 - e. Records and information relating to Alt.com and/or Kik username/account jmsqueenIVY, Joe Smo, Carika2016, and any related Alt.com or Kik accounts;
 - f. Records and information relating to the email accounts "joesmo@coxnet" and any related email accounts;
 - g. Any information recording suspect's schedule or travel from October 23, 2019 to October 24, 2019.
2. Computers or storage media used as a means to commit the violations described above.
3. Evidence of user attribution showing who used or owned the "Devices" at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;

PHYSICAL EVIDENCE

4. Physical, i.e., hard copy versions of items listed in Paragraph 1 above.
5. Additional physical items including the following: stuffed animals; children's toys; children's books; candy; food; flowers; personal lubricant; condoms; sexual aids and toys; physical restraints in any form; tools; weapons; cutting instruments; and packing material.
6. Documents showing the identity of SUBJECT and ownership of the Vehicle, including all bank records, checks, credit card bills, account information, vehicle registration, and other financial records.

As used above, the terms "records" and "information" include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

This warrant authorizes a review of electronic storage media and electronically stored information seized or copied pursuant to this warrant in order to locate evidence, fruits, and instrumentalities described in this warrant. The review of this electronic data may be conducted by any government personnel assisting in the investigation, who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, and technical experts. Pursuant to this warrant, the FBI may deliver a complete copy of the seized or copied electronic data to the custody and control of attorneys for the government and their support staff for their independent review.